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Ex-C.I.A. Man May Be Prosecuted

By ANTHONY MARRO

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WASHINGTON, Jan. 7—Philip B. F. Agee, the former Central Intelligence Agency agent who described many of the agency's Latin-American operations in his book "Inside the Company: CIA Diary," has been told there is a possibility he could face prosecution on espionage charges if he returns to the country.

Mr. Agee has been living in England since 1969 but was notified in November that the British Government intended to deport him "in the interests of national security." His lawyer, Melvin Wurf, legal director of the American Civil Liberties Union, wrote the Justice Department seeking assurances that Mr. Agee would not be prosecuted if he came back to this country.

In a reply, Richard Thornburgh, the head of the department's criminal division, told Mr. Wurf that, because the question was still being considered, "the department is unable to give you the assurances you seek."

Mr. Wurf said by telephone today that Mr. Agee wanted to return to this country to take part in "the debate over foreign policy and the future of the intelligence community." He said he took the letter to mean that if Mr. Agee returned, he most likely would be prosecuted, and added: "It continues to puzzle me why Agee is in jeopardy, while all the scoundrels who broke the law are home free."

A Justice Department official, however, said that, even if it were determined that Mr. Agee's book had violated espionage laws by publishing classified material, it was not certain that he would be prosecuted. A prosecution might require the Government to introduce even more sensitive material into evidence to support the charge, he added, and it might not be willing to do so.